

Variation

PROPOSED FINDINGS OF FACT
SUBMITTED TO THE ZONING BOARD OF APPEALS

In the Matter of a Variation Application
for Address: _____

Board Calendar No. _____

Submitted by: _____,

[*check one*] ☐ Applicant or ☐ Applicant's Attorney

Variation

ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

HEARING DATE: _____

FINDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

IN THE MATTER OF A VARIATION APPLICATION

FOR ADDRESS: _____

BY APPLICANT: _____

BOARD CALENDAR NO. _____

I. THE APPLICANT

The Applicant is a [check one] ☐ individual ☐ limited liability company ☐ corporation ☐ trust ☐ other (please specify: _____).

[If the Applicant is a legal entity, please fill out this section. Otherwise skip to Section II.]
The Applicant's [insert title] _____, [insert name] _____
(the "Applicant's Representative") was present at the hearing.

II. BRIEF SUMMARY OF REQUEST

The Applicant seeks a variation to _____

III. BACKGROUND OF THE SUBJECT PROPERTY

The subject property is currently zoned _____ and is [check one] ☐ vacant ☐ improved. Additionally [provide any additional pertinent facts about the property],

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IV. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on _____, 20____, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*.

The [check one] ☐ Applicant ☐ Applicant's Representative was present at the hearing. The Applicant/Applicant's Representative (as applicable) testified that his/her testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit A.

The Applicant's architect was present at the hearing. The Applicant's architect testified that s/he was a licensed architect in the State of Illinois. The Applicant's architect testified that his/her testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit B.

[If additional witnesses are necessary to explain the Applicant's application, please attach their affidavits to these proposed Findings of Fact as Exhibit C. In the event that any of these additional witnesses are expert witnesses, written reports rather than affidavits should be submitted. The affiant or author of any affidavit or report submitted as part of Exhibit C must be present at the hearing on the application.]

[All affidavits submitted as part of Exhibits A through C must be: (1) notarized; (2) fact-based; (3) based solely on an affiant's personal knowledge; (4) non-conclusory; and (5) made on the form attached to these proposed Findings of Fact. Please note that these requirements do not and are not intended to provide legal advice. If you have questions regarding the drafting of affidavits, please consult an attorney. The ZONING BOARD OF APPEALS and its staff cannot provide legal advice.]

The Applicant also submitted into the record the following documents: *[List all documents the Applicant intends to submit; add additional sheets as necessary]*

_____. Copies of these submitted documents are attached to these proposed Findings of Fact as Exhibit D. ***[Note: Plans must be attached. Photographs of the block must be attached.]***

B. Criteria for a Variation

Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships; and (2) the

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requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance; (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

V. FINDINGS OF FACT

[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, C and D attached to these proposed Findings of Fact and must use those references to explain why or how the proposed special use meets the standards set forth. In other words, what is written below must be explanatory and must be supported by an exhibit. Add additional sheets as necessary.]

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

1. Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property because:

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2. The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance because:

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

1. The property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance because:

*[For **developers**, please ensure that cost of land, cost of construction, sales price and anticipated profit margin are all addressed in Exhibit D. Please include any marketability studies you have conducted.]*

2. The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property because:

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3. The variation, if granted, will not alter the essential character of the neighborhood because:

After careful consideration of the evidence, testimony and the entire record, the ZONING

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BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out because:

2. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification because:

3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property because:

4. The alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property because:

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because:

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6. The variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood because:
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VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved [*check one*] ☐ his ☐ her ☐ its case by evidence, testimony and the entire record covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B & C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and the Zoning Administrator is authorized to permit said variation.

This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

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EXHIBIT A

[ATTACH APPLICANT'S/APPLICANT'S REPRESENTATIVE'S AFFIDAVIT]

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EXHIBIT B

[ATTACH ARCHITECT'S AFFIDAVIT]

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EXHIBIT C

*[ATTACH ALL ADDITIONAL AFFIDAVITS OR REPORTS NECESSARY TO SUPPORT
STATEMENTS MADE IN THESE FINDINGS OF FACT]*

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EXHIBIT D

[ATTACH ALL OTHER DOCUMENTS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE FINDINGS OF FACT]

[NOTE: AN ALDERMANIC SUPPORT LETTER IS NOT REQUIRED]

[NOTE: PLANS MUST BE ATTACHED]

[NOTE: PHOTOGRAPHS OF THE BLOCK MUST BE ATTACHED]

[NOTE: FOR DEVELOPERS, A DOCUMENT ADDRESSING COST OF LAND, COST OF CONSTRUCTION, SALES PRICE AND ANTICIPATED PROFIT MARGIN MUST BE ATTACHED. ANY MARKETABILITY STUDIES CONDUCTED MUST ALSO BE ATTACHED]

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IN THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

for Address: _____

Board Calendar No. _____

AFFIDAVIT

[*Insert name*]_____, after being first duly sworn on oath, deposes and states that [*check one*] ☐ he ☐ she has personal knowledge of facts set forth in this Affidavit and if called to testify in this matter, [*check one*] ☐ he ☐ she would swear the following facts are true and correct:

- 1.
- 2.
- 3.
4. [*insert additional paragraphs as necessary*]

[*INSERT NAME*]

Signed and sworn to before me on [*insert date*]_____ by [*insert name of affiant*]_____, at [*insert county name*] _____ County, [*insert state*] _____.

Notary Public

Commission expires: _____